

ANDOVER PLANNING BOARD MINUTES July 28, 2009

Call to Order:

The meeting was called to order at 7:36 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, John McDonnell, Joan Duff and Vincent Chiozzi (arrived at 7:45 pm.); also present was Planner, Jacki Byerley.

Minutes:

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the minutes for April 28th, May 12th and June 9, 2009 as amended. **Vote** Unanimous (4-0)

Sale Tax Title Land:

Ms. Byerley reviewed Mr. Materazzo's memo to the Board dated July 8, 2009 and reviewed the list of properties the Board of Selectmen seeks to sell at a public action. Susan Stott of 30 Pacho Street, representing Andover Community Trust (ACT), gave the Board a handout from the Andover Community Development Plan Housing Element and reviewed the objectives and goals of that element. Ms. Stott noted that ACT would be interested in three (3) properties, which are 2 Pepperidge Circle, 98 Andover Street and 20 Iron Gate Drive. Mrs. Stott asked if the Board could condition their recommendation to the Selectmen so that the 3 properties could be sold to a non-profit for the construction of affordable housing. Ms. Duff noted that the Andover Housing Partnership and the Andover Housing Trust Fund would support this affordable housing proposal. The Board discussed the properties and asked staff to speak with Town Counsel for a recommendation on how the auction of these properties could be conditioned to allow for the construction of affordable housing. The Board also asked staff to inquire about the possibility of a public/private partnership to achieve the same result. On a motion by Ms Anderson, seconded by Mr. Chiozzi, the Board voted to continue the discussion for a recommendation for the Sale of Tax Title Land. **Vote** Unanimous (5-0)

ACCV & The Legends I & II:

The Board opened the public hearing on an application submitted by CA Investment Trust for a Modification of a Definitive Subdivision Plan, a Modification of a Special Permit to Cluster and a Modification for a Special Permit for Earth Movement, entitled Andover Country Club Section V; a Modification of a Special Permit for New Multi-Family Dwelling – Attached Cluster, a Special Permit for Earth Movement, entitled Legends Phase I; and a Modification of a Special Permit for New Multi-Family - Attached Cluster, entitled Legends Phase II. Doug Lees of Land Engineering and Environmental Services, Inc., representing the applicant, gave an overview of the previous approvals, including the modification of ACCV, which created the Legends phase I & II. He reviewed the ACCV parcels that are being modified, which will become part of the Legends phase I. Mr. Lees reviewed the roadway, the drainage, the utilities, comments from the IDR and a table that was submitted outlining the acreage, open space, and the units of each modification. Ms. Byerley reviewed her memo to the Board dated July 23, 2009. The Board questioned the number of lots taken from the cluster development that made up the Legends I & II. Mr. Lees reviewed other projects that were cluster subdivision that were converted to Multi-Family Attached Cluster developments and noted the board approved 108 lots, and it was modified to 102. The Board discussed the previous approvals and noted that, over time, the applicant has requested numerous modifications, which has added a few units at a time. The Board questioned if this modification triggered a Stormwater Management Review. Ms. Byerley continued to review her memo dated July 23rd and noted the applicant submitted a supplemental

ACCV & The Legends I & II (cont.):

drainage report; DPW had no comments. Mr. McDonnell noted that the applicant has already complied with Stormwater Management and EPA permits; the applicant will have to modify those permits and resubmit changes to the Conservation Commission. Mr. Lees reviewed the open space designations for the Board. Ms. Byerley reviewed comments from the IDR, conducted on July 14, 2009, and noted that the original comments have been satisfied. On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to close the six (6) public hearings as described in the Board's agenda for the July 28, 2009 meeting. **Vote** Unanimous (5-0)

Celestial Circle:

The Board opened the public hearings that were continued from the July 14th meeting on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan, entitled Celestial Circle, and a Special Permit for a Cluster Development and a Special Permit for Earth Movement, located off Sunset Rock Road. Chairman Salafia reviewed the specific items that would be discussed at this evening's meeting. They were: traffic, plan revisions, easements, hydrant locations, conventional subdivision plan, and the roadway in proximity of Pike School driveway.

Traffic:

Dan Koravos of DK Engineering representing the applicant gave an overview of the traffic report dated June 18, 2009, which included the traffic counts that were done on June 9th and June 10th, the vehicular speed, the stopping and sight distance, and the peak AM & PM trip generation. Ms. Byerley reviewed Safety Officer's e-mail, dated July 13, 2009, regarding his review of the traffic survey data which he considered to be reasonable and correct. The Board questioned if the recently completed reconfiguration of the parking area at the Pike School has solved the School's queuing problems on Sunset Rock Road. Several abutters have stated that the queuing on Sunset Rock Road has not been resolved. Attorney Andrew Caffrey, representing an abutter, questioned where the traffic tubes were placed and questioned the accuracy of the peak traffic counts for 8 new homes. Mr. McDonnell questioned how the traffic from the Pike School impacts the intersection of the proposed new roadway and Sunset Rock Road if the traffic does not go near the intersection. Lynne Hunter of 30 Sunset Rock Road noted that she can't get out of her driveway and is concerned with safety due to the traffic congestion.

Compliance with zoning:

Mr. Koravos reviewed the slopes in excess of 25% and gave the Board a handout with the overlays of the slopes. Ms. Byerley confirmed that the slopes in excess of 25% have been excluded from the calculations of the minimum lot area.

Easements:

Attorney Mark Johnson, representing the applicant, gave a brief overview of the proposed easements he submitted. The Board wants clarification on the easements, including when the easements will be executed, and the list of proposed easements should have "draft" printed on it. Mr. McDonnell noted that the easements do not exist until the plan is approved. Mr. Koravos

Celestial Circle (cont.):

Easements (cont):

reviewed the hydrant locations and noted the roadway location exceeds the distance requirements to street openings from Section VI.C.2.i of the Subdivision Rules and Regulations.

Conventional “sketch plan”:

Attorney Johnson reviewed his letter to the Board dated August 1, 2009, outlining his opinion why the applicant meets the Zoning By-law requirements, and noted that the sketch plan required for a cluster subdivision is different from the plan required by the Board when an applicant requests waivers from roadway construction requirements to construct a low impact development. The Board asked staff to forward Attorney Johnson’s letter to Town Counsel for review and to confirm with Town Counsel whether or not the Board is allowed to ask the applicant for additional information that is not specifically stated in the by-law.

Ms. Hunter, an abutter of 30 Sunset Rock Road, expressed concerns about ledge and the impact to the wetlands. Chairman Salafia noted that the Conservation Commission reviews the wetlands.

Ms. Byerley noted that the Inspector of Buildings reviewed the sketch plan and indicated that 9 lots can be built according to the zoning by-law. Attorney Caffrey stated he does not disagree with Attorney Johnson’s letter but noted that in his opinion the proposed plan does not benefit the town. Mr. Koravos reviewed the lot areas for lots 1, 2, 3, 8, & 9 and noted the lots exceed the minimum lot area for a conventional subdivision. Mr. McDonnell would like the existing houses to be shown on the plan and noted they need to consider the concerns of the abutters. Ms. Byerley reviewed her memo to the Board including comments from the Inspector of Buildings.

Mr. Caffrey reviewed the requirements listed in the zoning by law for cluster subdivisions, and recommended that the Board review the requirements.

The Board agreed that further information was needed regarding traffic, the sketch plan, and the easements, and agreed to continue discussion on those items at the next public hearing scheduled for August 11th.

Adjournment: The Board voted to adjourn the meeting at 9:31 p.m.